IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3450 OF 2006

Karimabi Hussain Shaikh — Applicant
versus
The State of Maharashtra — Respondent

Anil V. Dhavale for applicant.
Smt.M.H.Mhatre, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant is arrested on 6th April 2006 in connection with CR No.141 of 2006 registered at Yerawada Police Station, Pune alleging offences under sections 498A, 306 r/w 34 IPC..

2. She filed two applications for bail which have been rejected by the Trial Judge. A CR has been registered against the husband, mother-in-law, brother-in-law and four sister-in-laws of the deceased. Applicant is the original accused no.2.

3. Applicant is a lady of 60 years. She is the

mother-in-law of the deceased. I have perused the statement of deceased/dying declaration which has been referred to in the order of Trial Judge. The statement is to this effect that the deceased poured kerosene on herself at about 07.00 p.m.. The reason was some quarrel with the applicant. The deceased was tense because of the same. She also used match-stick to ignite her. The deceased was in the house so also the applicant mother-in-law. Applicant poured water on the deceased.

4. The application is opposed on the ground that there was continuous harassment by mother-in-law and the husband of the deceased and there were demands as well. From the statement of the complainant brother of the deceased it appears that the disputes were going on for about two years. There was some compromise and later on the deceased went back and started residing with her in-laws.

5. In the above facts and circumstances and when investigations are over, charge sheet is filed, that the applicant’s case deserves to be considered sympathetically. Apart from the fact that she is a woman accused, additionally, from

the statements including dying declaration, it is apparent that the quarrel was going on for quite some time. The husband of the deceased is already arrested. The applicant agrees to abide by such conditions as are imposed by this Court. Hence, following order.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.141 of 2006 registered with Yerawada Police Station, Pune, subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall report to Yerawada Police Station, Pune, once in a week;

(iii) The applicant shall furnish her address to the Investigating Authority before her release;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(v) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)